

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	Bankruptcy No. 22-10052-AMC
Kenneth Rowser and Juanita Rowser	:	Chapter 13
Debtor	:	
	:	
Deutsche Bank National Trust Company, As	:	
Indenture Trustee, On Behalf Of The Holders Of	:	
The Accredited Mortgage Loan Trust 2006-2	:	
Asset Backed Notes c/o Select Portfolio	:	
Servicing, Inc.	:	
Movant	:	
vs.	:	
Kenneth Rowser and Juanita Rowser	:	
Debtor/Respondent	:	
and	:	
Kenneth E. West, Esquire	:	
Trustee/Respondent	:	

MOTION FOR RELIEF FROM AUTOMATIC STAY, UNDER 11 U.S.C. § 362

Movant, by its Attorneys, Hladik, Onorato & Federman, LLP, hereby requests a Termination of the Automatic Stay and leave to proceed with its State Court rights provided under the terms of the Mortgage.

1. Movant is Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Accredited Mortgage Loan Trust 2006-2 Asset Backed Notes c/o Select Portfolio Servicing Inc. (“Movant”).

2. Debtors, Juanita Rowser and Kenneth Rowser (“Debtors”) are the owners of the premises located at 4383 Garfield Lane, Feasterville Trevose, PA 19053 (the “Property”).

3. Kenneth E. West, Esquire is the Trustee appointed by the Court.

4. Debtors filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on January 11, 2022.

5. Movant is the holder of a mortgage lien on the Property in the original principal amount of \$148,000.00, which was recorded on August 08, 2006 (the “Mortgage”). A true and correct copy of the Mortgage is attached to Movant’s Proof of Claim #5 filed on the Claims Register.

6. The Mortgage was assigned to Movant by way of a written assignment of mortgage, recorded on November 17, 2009. A true and correct copy of the Mortgage is attached to Movant's Proof of Claim #5 filed on the Claims Register.

7. As of February 21, 2023, the unpaid principal balance is \$125,040.57. The total amount due on the loan, as of February 21, 2023, was approximately \$164,844.70.

8. As of February 21, 2023, Movant has not received the monthly post-petition Mortgage payments from December 1, 2022 through February 1, 2023 in the amount of \$1,627.96 each, less suspense in the amount of \$1,589.68, for a total post-petition arrearage of \$3,294.20.

9. The entity that has the right to foreclose is Deutsche Bank National Trust Company, as Indenture Trustee, on behalf of the holders of the Accredited Mortgage Loan Trust 2006-2 Asset Backed Notes c/o Select Portfolio Servicing Inc. by virtue of being owner and holder of note.

10. Movant has cause to have the Automatic Stay terminated, in order to permit Movant to complete foreclosure on its Mortgage.

11. This Motion and the averments contained herein do not constitute a waiver by the Movant of its right to seek reimbursement of any amounts not included in this Motion, including fees and costs, due under the terms of the Mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order:

- a. Modifying the Automatic Stay under 11 U.S.C. § 362 of the Bankruptcy Code with respect to the Property as to permit Movant to foreclose on its Mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal or consensual action for enforcement of its right to possession of, or title to; and
- b. Granting any other relief that this Court deems equitable and just.

Respectfully Submitted,

Date: 03/02/2023

/s/ Sarah K. McCaffery, Esquire
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